

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/461,778	TADDIKEN, ALBERT H.
	Examiner AHMED ELALLAM	Art Unit 2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment filed on 6/29/2005.
2.  The allowed claim(s) is/are 1-12, 15-17, 20-23, 25-34, 37-39, 41-48 respectively renumbered 1-40.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date attached.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



JOHN PEZZLO  
PRIMARY EXAMINER

## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Thomas Kelton on September 19 and 20, 2005.

The application has been amended as follows:

**In the claims:**

Claims 13, 14, 18, 19, 35 and 36 have been cancelled.

In claim 1, line 11, "device." After device has been changed to --device,--

In claim 1, line 12, the following has been inserted -- wherein said RF telephony signals further comprise a continuous wave (CW) signal, and said tuner is capable of processing said CW signal, and wherein said NIU receives electrical power via said cable input when said tuner is processing said TDM RF signal and receives electrical power from a different source when processing said CW signal.--

In claim 17, line 7, the term "and" has been deleted.

In claim 17, line 11 "slot." Has been changed to --slot;--

In claim 17, line 12, the following has been inserted  
--wherein said TDM RF signal is received during a loss of a power from an external source; and

receiving power from said cable input during said loss of power from said external source.--

In claim 34, line 6, the term "and" has been deleted.

In claim 34, line 10, "slot." Has been change to --slots; and--

In claim 34, line 11, the following has been inserted -- means for receiving power from said cable input during a loss of power from an external source, wherein said TDM RF signal is received during said loss of power from said external source.--

In claim 20, "18" has been changed to --17--

In claim 21, "18" has been changed to --17--

In claim 37, "35" has been changed to --34--

In claim 38, "35" has been changed to --34--

## REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

The prior art of records fails to teach or suggest the followings:

A method/apparatus in which a cable network interface unit (NIU) comprising (inter alias):

A radio frequency cable input for receiving TDM RF signal and continuous wave (CW) signal, a tuner for processing the TDM RF signal, the tuner is capable of processing the CW signal; and wherein the NIU receives electrical power via the cable input when the tuner is processing the TDM RF signal, and receives electrical power

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from a different source when processing the CW signal, as indicated in independent claims 1, 17, 34 and 46

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHMED ELALLAM  
Examiner  
Art Unit 2662  
September 23, 2005

  
JOHN PEZZLO  
PRIMARY EXAMINER